

On March 23, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28559. Adulteration and misbranding of fruit mixer. U. S. v. 59 Jugs and 47 Jugs of Fruit Mixer Lemon. Default decrees of condemnation and destruction. (F. & D. Nos. 40652, 40653. Sample Nos. 33797-C, 33798-C.)

This product was labeled to convey the impression that it was lemon juice; whereas it consisted of a mixture of acid, water, citrus oil, artificial color, and about 7 percent of lemon juice. A portion also contained undeclared benzoate of soda and artificial color.

On November 3, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 106 jugs of fruit mixer at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 1 and 8, 1937, from Irvington, N. J., by Castle Products Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tomahawk Brand Cocktail Fruit Mixer Lemon * * * Castle Products, Inc., Newark, N. J."; or "Famous Brand Fruit Mixer Lemon * * * Famous Foods, Inc., Detroit, Mich."

It was alleged to be adulterated in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements on the labels, (Tomahawk brand) "Lemon Use As Juice of Fresh Fruit," "Use whenever lemon juice is desired. Two tablespoons are equal to the juice of one lemon. Contains the juice of tree-ripened, California-squeezed lemons," and (Famous brand) "Lemon Use As Juice of Fresh Fruit * * * Fruit Juice," were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was pure lemon juice; and in that the article was an imitation of and was offered for sale under the distinctive name of another article, lemon juice. The Tomahawk brand was alleged to be misbranded further in that the statement of composition on the label, "Contains the juice of tree-ripened, California-squeezed lemons. Flavor, fruit acid, cert. color and 1/10 of 1% sodium benzoate added," was misleading since the article contained approximately 93 percent of water, which was not declared. The Famous brand was alleged to be misbranded further in that it was labeled so as to deceive the purchaser, since it contained added benzoate of soda and artificial color, the presence of which was not declared on the label.

On February 5, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28560. Misbranding of Lemon Flavored Squeeze and Orange Flavored Squeeze. U. S. v. 93 Cases of Lemon-Flavored Squeeze and 83 Cases of Orange Flavored Squeeze. Default decree of condemnation and destruction. (F. & D. No. 40417. Sample Nos. 58914-C, 58915-C.)

These products were labeled to indicate that they were fruitade bases; whereas they consisted essentially of sugar, citric acid, artificial color, and citrus-oil flavor, containing little, if any, fruit.

On October 2, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 cases of the hereinafter-described products at Camden, N. J., alleging that they had been shipped in interstate commerce on or about July 21 and August 10, 1937, from New York, N. Y., by General Desserts Corporation, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Distributed by Loyd's of America, Camden, N. J."

They were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles, lemon juice and orange juice; and in that the following statements and designs on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted essentially of sugar, citric acid, artificial color, and citrus-oil flavor with little, if any, fruit: "Lemon [or "Orange"] Flavored Squeeze * * * Made with pure dehydrated lemon [or "orange"] juice. Costs less than fresh fruit"; and the design of a lemon or orange dripping juice into a glass.